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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

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28 UNITED STATES OF AMERICA,) No. CR-10-0331 MHP
Plaintiff,)
v.)
LINDA HENDERSON,)
Defendant.)

**STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

IT IS HEREBY STIPULATED by and between Assistant United States Attorney, Robin L. Harris, counsel for the plaintiff, John M. Runfola, counsel for LINDA HENDERSON, that the hearing date now scheduled for January 10, 2011 at 10:00 a.m., is extended until January 24, 2011, at 10:00 a.m., or as soon thereafter as is convenient for the Court.

The parties are in the process of determining whether the case will settle or will proceed to motions and trial. To that end, the parties continue to exchange information and to discuss a proposed plea agreement.

Therefore, the parties respectfully request that the Court move the next hearing date from January 10, 2011 to January 24, 2011 for the purposes of continuity of and effective preparation of counsel, in order to provide defense counsel with adequate time to consult with the defendant.

STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE AND EXCLUDING TIME
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1 No party objects to the requested continuance.

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3 IT IS FURTHER STIPULATED that the period from January 10, 2011 through January
4 24, 2011 be excluded from any time limits applicable under 18 U.S.C. § 3161. The parties agree
5 that granting the exclusion would allow the reasonable time necessary for effective preparation of
6 counsel and would preserve continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The
7 parties also agree that the ends of justice served by granting such an exclusion of time outweigh
8 the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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10 SO STIPULATED:

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12 DATED: January 6, 2011 _____ /s/
13 JOHN RUNFOLA
Attorney for LINDA HENDERSON

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15 DATED: January 7, 2011 _____ /s/
ROBIN L. HARRIS
16 Assistant United States Attorney

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[PROPOSED] ORDER

18 For the reasons stated above, the Court finds good cause to change the date for the next
19 status hearing from January 10, 2011 to January 24, 2011. The Court also finds that the
20 exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from January 10,
21 2011 through January 24, 2011 is warranted and that the ends of justice served by the
22 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
23 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would deny counsel
24 for the defendant and for the government the reasonable time necessary for effective preparation,
25 taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18
26 U.S.C. §3161(h)(7)(B)(iv).

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1 IT IS SO ORDERED.(2 page stip).

2 DATED: January 7, 2011



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